



Determination No. 19 of 1986

**Determination under Section 58B of the
Defence Act 1903¹ (Amendment)**

I, JOHN JOSEPH BROWN, the Minister of State for Sport, Recreation and Tourism acting for and on behalf of the Minister of State for Defence, hereby make the following Determination under section 58B of the *Defence Act 1903*.

Dated 15 April 1986.

JOHN BROWN

Minister of State for Sport, Recreation and Tourism
for and on behalf of the
Minister of State for Defence

Education Assistance Overseas

1. Determination 3725, Education Assistance Overseas, is amended—
- (a) by inserting in paragraph 5 (a) “, 34B, 34C, 34D” after “clauses 4”;
 - (b) by omitting from clause 6 “An” and substituting “Subject to clause 6A, an”;
 - (c) by inserting after clause 6 the following clause:
 - “6A. Where—
 - (a) a member is serving on duty in the Netherlands as the New Construction Submarine Combat System Team Leader; and
 - (b) the member’s child boards and resides at a boarding school in the Netherlands,the member shall not be entitled to Education Assistance Overseas under this Determination in respect of that child.”;
 - (d) by inserting in clause 7 “for normal day tuition” after “imposed by the school”;

- (e) by omitting sub-paragraphs (a) (i) and (a) (ii) from the description of "B" in the formula in clause 11 and substituting the following sub-paragraphs:
- “(i) where meal costs are specified, or deemed to be specified, as an education expense for the purpose of this Determination—491; or
- (ii) where meal costs are not so specified—306; or”;
- (f) by omitting sub-paragraphs (b) (i) and (b) (ii) from the description of "B" in the formula in clause 11 and substituting the following sub-paragraphs:
- “(i) where meal costs are specified, or deemed to be specified, as an education expense for the purpose of this Determination—252; or
- (ii) where meal costs are not so specified—133;”;
- (g) by omitting clause 17 and substituting the following clause:
- “17. Subject to the provisions of clauses 8, 12, 13, 14, 15 and 16, where an accompanied member who is serving in Britain on long term duty incurs costs which are specified in clause 7 in respect of full-time education of a child at a secondary or primary school or at a pre-school, the member shall be paid Education Assistance Overseas of an amount, if any, determined by the Official Secretary, London, having regard to the reasonable costs associated with the type of school the child attends after deducting the amount in dollars specified in paragraph (a) or (b) of 'B' in the formula in clause 11, whichever is appropriate to the member's circumstances.”;
- (h) by inserting after Division 10 of Part III, the following Division:

“Division 10A—The Netherlands

“27A. Where a member to whom clause 6 refers is serving in the Netherlands and incurs costs, other than the compulsory transport costs referred to in paragraph 7 (i), in transporting a child to or from a school—

- (a) by school bus; or
- (b) by public transport,

those costs shall be deemed to be an education expense for the purpose of clause 7, but, in the case of costs referred to in paragraph (b), shall not exceed the costs that would be incurred by the member if the child were transported by the American School of the Hague school bus.”;

- (i) by inserting after Division 15 of Part III, the following Division:

“Division 15A—Sweden

“34A. In this Division 'Association' means the Parent-Teacher's Association of the International School of Stockholm.

“34B. Where a member to whom clause 6 refers is serving in Sweden and incurs costs in respect of the school transport arranged by the Association of a child on a school day, the lesser of—

- (a) those costs; or
- (b) an amount in respect of that child of—
 - (i) Krona 41; or
 - (ii) where an approving authority, having regard to the charges set by that Association, approves a higher amount—that amount,

shall be deemed to be an education expense for the purpose of clause 7.

“34C. Where a member to whom clause 6 refers is serving in Sweden and incurs costs in respect of the school transport of a child on a school day, other than transport referred to in clause 34B, and that school transport—

- (a) is arranged under similar conditions to the school transport arranged by the Association;
 - (b) is the most economical consistent with safety and time taken; and
 - (c) is, where practicable, provided by public transport,
- the approving authority may deem an amount equal to the lesser of the costs incurred by the member or Krona 41 to be an education expense for the purpose of clause 7.

“34D. Where a member to whom clause 6 refers is serving in Sweden and incurs costs in respect of school transport of a child on a school day, other than transport referred to in clause 34B or 34C, and—

- (a) school transport referred to in clause 34B or 34C is not available to transport the child to or from school; and
- (b) the school transport used—
 - (i) is the most economical consistent with safety and time taken;
 - (ii) is, where practicable, provided by public transport; and
 - (iii) is not provided by use of the member’s private transport,

the approving authority may deem an amount equal to the lesser of the costs incurred by the member or Krona 41 to be an education expense for the purpose of clause 7.

“34E. Where a member to whom clause 6 refers is serving in Sweden and incurs costs in respect of school lunches, other than the meal costs referred to in paragraph 7 (h), for a child who is not eligible to receive a free provision from the city of Stockholm authorities, those costs shall be deemed to be an education expense for the purpose of clause 7.”;

- (j) by inserting after clause 34E the following clause:

“34F. Where a member to whom clause 6 refers is serving in Sweden and a child of the member is eligible to receive school lunches provided by the city of Stockholm authorities free of charge the amount of ‘B’ in the formula in clause 11 applicable to the member in respect of that child shall be deemed to be the amount specified in sub-paragraph (a) (i) or (b) (i) in the description of ‘B’ in that clause appropriate to the level of education which that child is undertaking.”;

- (k) by inserting the following entry in Part 1 of the Schedule before the entry relating to New Zealand—

“Netherlands, The The English School; The American School of the Hague”;

- (l) by inserting the following entry in Part 1 of the Schedule before the entry relating to Tonga—

“Sweden International School of Stockholm”;

- (m) by inserting the following entry in Part 2 of the Schedule before the entry relating to New Zealand—

“Netherlands, The The English School; The American School of the Hague”;

- (n) by inserting the following entry in Part 2 of the Schedule before the entry relating to Thailand—

“Sweden International School of Stockholm”;

- (o) by inserting the following entry in Part 3 of the Schedule before the entry relating to New Zealand—

“Netherlands, The The English School; The American School of the Hague”;

and

- (p) by inserting the following entry in Part 3 of the Schedule before the entry relating to Thailand—

“Sweden International School of Stockholm”.

Complementary Allowances Payable to Member Serving on Duty Overseas

2. Part II of Determination 3901, Complementary Allowances Payable to Member Serving on Duty Overseas, is amended—

- (a) by inserting after Division 13 the following Division:

“Division 13A—Member Serving on Duty in the Netherlands

Definition

“107A. In this Division ‘member’ means a member who is serving on duty in the Netherlands.

Household Assistance Allowance

"107B. Where a member employs a person, or persons, for the purpose of household assistance, other than gardening services, the member shall be paid a Household Assistance Allowance in accordance with an annual amount equal to the lesser of the costs which the member incurs per annum in respect of wages, bonuses, insurance, food and fares for that person, or those persons, or the amount specified, in relation to his or her allowance group, in the following table:

Allowance group	Annual amount
	Guilder
2	2,600
3	2,600
4	5,200
5	5,200
6	10,300
8	12,900

Gardening Assistance Allowance

"107C. Where a member employs a person, or persons, for the purposes of gardening maintenance, the member shall be paid a Gardening Assistance Allowance in accordance with an annual amount equal to the lesser of the costs which the member incurs per annum in respect of essential gardening maintenance services performed by that person, or those persons, (but not including costs incurred for normal lawn mowing and routine maintenance), or the amount specified in the following table appropriate to the size of the garden area at the member's residence:

Garden area	Annual amount
Square metres	Guilder
Less than 750	2,500
750 or more	4,000

(b) by inserting after Division 19 the following Division:

"Division 19A—Member Serving on Duty in Sweden

Definition

"150A. In this Division 'member' means a member who is serving on duty in Sweden.

Household Assistance Allowance

"150B. Where a member—

- (a) is in allowance group 4, 5, 6 or 8;
- (b) is entitled to Representation Allowance; and
- (c) employs a person, or persons, for the purpose of household assistance,

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the member shall be paid a Household Assistance Allowance in accordance with an annual amount equal to the sum of—

- (d) the costs which the member incurs per annum in connection with accident insurance in respect of employing that person, or those persons; and
- (e) the lesser of the costs which the member incurs per annum for wages and food in respect of employing that person, or those persons, or the amount specified in the following table in relation to his or her allowance group:

Allowance group	Annual amount
	Krona
4	5,400
5	8,000
6	8,000
8	13,400

Application

3. Paragraphs 1 (a), 1 (b), 1 (c), 1 (h), 1 (i), 1 (k), 1 (l), 1 (m), 1 (n), 1 (o), 1 (p) and clause 2 of this Determination shall apply in relation to service by a member from and including 11 July 1985.

NOTE

1. For previous Determinations made in respect of a Determination specified in column 1 of the following table, *see* Determination Nos. specified in column 2 opposite to that Determination:

Column 1 Determination	Column 2 Previous Determinations
Determination 3725, Education Assistance Overseas	Nos. 86 and 110 of 1984; Nos. 6, 28, 36, 38, 43 and 45 of 1985; Nos. 4, 5 and 8 of 1986
Determination 3901, Complementary Allowances Payable to Member Serving on Duty Overseas	No. 109 of 1984; Nos. 28, 36, 38, 43, 44 and 45 of 1985; Nos. 5 and 11 of 1986

EXPLANATORY STATEMENT

DETERMINATION NO. 19 OF 1986

ISSUED BY THE AUTHORITY OF THE MINISTER FOR DEFENCE

UNDER SECTION 58B OF THE DEFENCE ACT 1903

Section 58B of the Defence Act 1903 allows the Minister to make determinations on conditions of service for members of the Defence Force.

Determination 3725, Education Assistance Overseas, provides for payment of financial assistance to members of the Defence Force who are posted overseas on long term duty and incur certain costs in educating a child overseas.

Determination 3725 is amended by:

- a. paragraph 1(a) and clause 3 of this determination to introduce from 11 July 1985 the provision of approving authorities for the purposes of the new school transport provisions for Sweden;
- b. paragraphs 1(b) and 1(c) and clause 3 of this determination to introduce from 11 July 1985 provisions which preclude the payment of Education Assistance Overseas to members who serve in the Netherlands as the New Construction Submarine Combat System Team Leader where the children of such members board and reside at a boarding school in the Netherlands;
- c. paragraphs 1(d), 1(e) and 1(f) of this determination to make minor textual amendments from the date of signature of this determination to make clearer the provisions relating to parental contribution rates;
- d. paragraph 1(g) of this determination to insert from the date of signature of this determination minor textual changes to the provisions relating to Britain;
- e. paragraph 1(h) and clause 3 of this determination to introduce from 11 July 1985 provisions relating to assistance with the cost of school transport for the children of members in the Netherlands;
- f. paragraph 1(i) and clause 3 of this determination to introduce from 11 July 1985 provisions relating to assistance with the cost of school transport and lunches for the children of members in Sweden;
- g. paragraph 1(j) of this determination to introduce from the date of signature of this determination provisions relating to the rate of parental contribution where free lunches are provided at school in Sweden;
- h. paragraphs 1(k), 1(m) and 1(o) and clause 3 of this determination to introduce from 11 July 1985 approved schools in the Netherlands for the purposes of Determination 3725; and
- i. paragraphs 1(l), 1(n) and 1(p) and clause 3 of this determination to introduce from 11 July 1985 approved schools in Sweden for the purposes of Determination 3725.

Determination 3901, Complementary Allowances Payable to Member Serving on Duty Overseas, provides for the reimbursement of a range of living costs incurred by a member of the Defence Force while serving in an overseas country.

Determination 3901 is amended by:

- a. paragraph 2(a) and clause 3 of this determination to introduce from 11 July 1985 a Household Assistance Allowance and Gardening Assistance Allowance in the Netherlands; and
- b. paragraph 2(b) and clause 3 of this determination to introduce from 11 July 1985 a Household Assistance Allowance in Sweden.